

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

VICKY MONTGOMERY, individually; as)
the natural mother and next friend of K.S.;)
and as the natural maternal grandmother)
and next friend of B.E.S., I.N.S., and)
A.D.W.)
Plaintiff,)
v.)) Case No.: 5:10-cv-0012-PWG
STATE OF ALABAMA DEPARTMENT)
OF HUMAN RESOURCES; VONDA)
GILLIAM, individually and in her capacity)
as an employee of the State of Alabama;)
LEIGH ANN JACKSON, individually and)
in her capacity as an employee of the State)
of Alabama; and ANGELA MAYBERRY,)
individually and in her capacity as an)
employee of the State of Alabama,)
Defendants.)

ORDER

In accordance with the Memorandum of Opinion this day entered, Defendants' motion to dismiss for lack of prosecution (Doc. #6) is **DENIED**. Defendants' other pending dispositive motion (Doc. #3) is **GRANTED IN PART** as it requests a more definite statement under Rule 12(e), and deemed **MOOT IN PART** to the extent it seeks a Rule 12(b)(6) dismissal.

DONE and **ORDERED** this 1st day of July, 2011.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE